

Planning Committee
21 October 2010

Reference:
APP/10/00139

Area Team:
North Team

Case Officer:
Miss S Hesketh

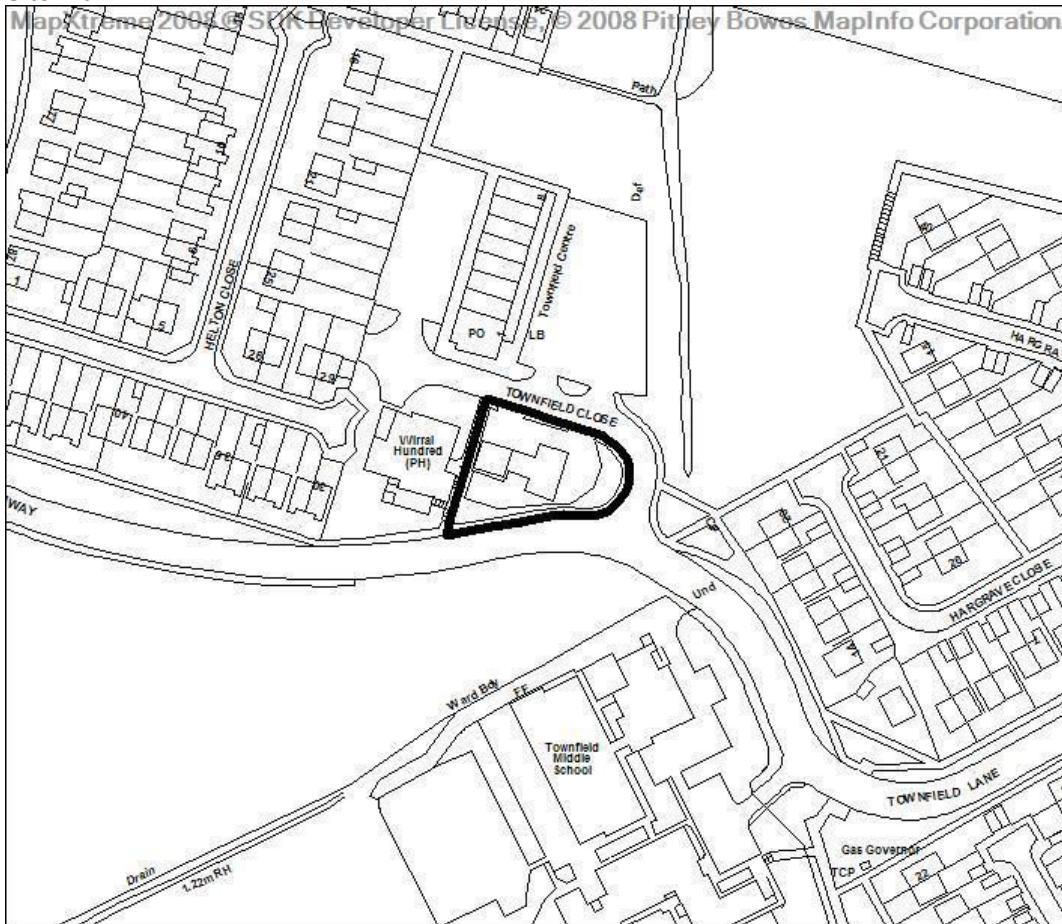
Ward:
Claughton

Location: Texaco Filling Station, TOWNFIELD CLOSE, NOCTORUM, CH43 9JW

Proposal: Demolition of petrol station and erection of single storey shop units (Class A1).

Applicant: Mr Halpern
Agent : Neil Braithwaite Architect

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area
Density and Design Guidelines Area

Planning History:

DLS/78/09478 - Public house (reserved matters) - approved conditionally 18/09/1978

APP/80/15424 - Proposed petrol filling station - approved conditionally 24/07/1980

OUT/04/06821 - Erection of 6 houses (outline) - refused 09/12/2004

APP/08/06101 - Change of use of part of grassed area to family beer garden with childrens play area, decking and fencing - approved 23/10/2008

Summary Of Representations and Consultations Received:

REPRESENTATIONS

A total of 30 letters of notification have been sent to properties in the area and a site notice was displayed on 3 June 2010 on Townfield Lane.

At the time of writing this report three letters of objection and a qualifying petition of objection listing signatures from 209 separate households have been received citing the following concerns:

- Not a "small development" as described in the application;
- Proximity to residential properties would cause a nuisance in terms of noise and disturbance;
- No further retail units are required in the area;
- The existing building has 45sq m of retail floorspace, the proposed building will have 470sq m of retail floorspace;
- Lack of parking and cycle parking provision, and the effects of increased traffic;
- Deliveries to the site;
- The restrictive service road and access arrangements;
- The existing parade of shops is healthy and the proposal represents a 50 per cent increase in retail which will not be viable, therefore the scale of the development is not appropriate;
- The site is prominent and the development would appear incongruous in the street scene;
- Building on the boundary of the Wirral Hundred Public House will create an alleyway which is a safety issue;
- Increased vandalism and anti-social behaviour;
- The evidence from the Wirral Retail Study 2010 suggests there is no need or interest from comparison retailers, and the development could have a detrimental impact on Prenton and Upton town centres;
- Could sell wines and spirits and encourage gangs of youths.
- Loss of light to adjacent public house

Three letters of support were received citing the proposal will remove a dilapidated petrol station, reduce vandalism, improve the parking for the shops and health centre, and will increase the numbers of passers by and enhance the existing businesses for local traders and local people.

A petition of support, listing signatures from 135 households has also been received, stating that: the proposal will improve the Local Shopping Centre with more variety of shops and services to the benefit of local people; will remove the eyesore of the disused petrol station, and; will reduce concern for vandalism and security.

CONSULTATIONS

Director of Technical Services – Traffic Management Division: no objection, refer to Director's comments.

The Director of Law, HR and Asset Management (Environmental Health): no objection subject to conditions to require a ground contamination survey and appropriate remediation.

Merseyside Cycling Campaign - adequate cycle parking in line with the Council's adopted standards required.

Director's Comments:

The application was deferred from Planning Committee 28 September 2010 for a Committee Site Visit and to clarify the findings of the Retail Assessment.

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application has been removed from delegation by Councillor Denise Roberts on behalf of local residents, stating planning grounds as: impact of traffic and parking in a Primarily Residential Area.

INTRODUCTION

The proposed development is for a redevelopment of the former petrol station site at Townfield Lane. The proposal would consist of a single-storey building, subdivided into 4 retail units of gross floor areas 81.9sq m, 81.9sq m, 103.2sq m and 130.3sq m. Three of the units would have entrances facing onto a small proposed car parking area to the east (5 no. spaces), whilst a further unit would face towards the existing retail premises to the north. The building proposed is simple in design, brick built with a pitched slate roof.

PRINCIPLE OF DEVELOPMENT

The site is allocated within the Unitary Development Plan as a Primarily Residential Area. UDP Policy HS15 permits non-residential uses, subject to three criteria. The site forms part of a shopping parade (in conjunction with the public house and retail terrace to the west and north). UDP Policy SH4 establishes that within such small shopping centres and parades uses falling within Use Classes A1, A2 and A3 of the Use Classes Order 1987 (replaced by Use Classes A1 to A5 in the 2005 amendment to this legislation) will be permitted subject to Policy HS15 and to five further criteria.

SITE AND SURROUNDINGS

The application site is a petrol filling station on the corner of Townfield Lane and Townfield Close, adjacent to the Wirral Hundred public house. The site is roughly triangular, bounded by Townfield Lane to the south and Townfield Close to the east and north. The petrol station building is located to the west of the site, beyond which is a stepped access to the Wirral Hundred and retail premises to the north. The area to the north consists of a single terraced line of small retail premises within use classes A1 and A3. Servicing is provided to the west of these shops, whilst car parking provision is to the east. Planning permission for a medical centre was granted by virtue of planning permission APP/2007/6314 on land to the north and east of the existing retail shops at the site, including a portion of the existing car park. Further to the east are areas of housing, whilst to the south (beyond Townfield Lane) there is open space in public recreational use and a school.

The application site itself slopes steeply up from Townfield Lane behind a low retaining wall. The retail store would be located largely on the footprint of the tarmac petrol station forecourt site. The building has been designed to take account of the topographical changes within the main part of the site, with finished floor levels and shop frontage features stepped with the contours of the site.

POLICY CONTEXT

National Planning Policy Statements:

PPS1 Delivering Sustainable Development

PPG13 Transport

PPS4 Planning for Sustainable Economic Growth

Wirral Unitary Development Plan:

URN1 Principles and Urban Regeneration

SH01 Principles for New Retail Development

SH4 Small Shopping Centres and Parades

HS15 Non Residential Uses in Primarily Residential Areas.

The site forms part of an established shopping parade, for which UDP Policy SH4 establishes criteria. For A1 uses such as that proposed, the policy requires, in particular, assessment of the potential impacts in terms of nuisance through noise and disturbance, on-street parking and deliveries. UDP Policy HS15 requires the proposals to be appropriate in scale to surrounding development, not to result in a detrimental change in character in the area, and not to cause nuisance to neighbouring uses.

The applicant has submitted a planning case and retail assessment which concludes the proposed development would not impact to the viability and vitality of the nearest town centres or traditional suburban centres, including Upton and Prenton. The findings of the recent Wirral Retail Assessment (2009) are considered - it is noted that the scheme is small in scale and that there is retail expenditure capacity identified within an identified catchment area that could be taken up on a localised basis. The findings of the retail assessment are considered to be acceptable - the proposal is consistent with the size of the existing parade and the level of detail provided by the assessment is considered appropriate for the amount of floorspace provided. Consequently, no conflict with Planning Policy

Statement 4 is found.

APPEARANCE AND AMENITY ISSUES

The building would be single storey, with a height of approximately 8m at the ridge. The nearest residential properties to the site are located on Helton Close, to the west of the site at a distance of approximately 31m, and largely screened from view of the site by the existing Wirral Hundred public house. Flats do exist above the commercial premises to the north and west, though as these residential properties are above existing commercial uses they are unlikely to experience greater impacts from the development proposed. The previous use of the site as a petrol station is also a material consideration in this instance - traffic movements, vehicle noise and general noise and disturbance impacts are anticipated to decrease by comparison. In conclusion, the proposed development would not present significant detrimental impacts to residential amenity.

The design of the proposed development is simple and relatively traditional, proposing a brick and tiled roof finish. It is considered that the design can be in keeping with buildings in the local area, notably the Wirral Hundred public house adjacent to the site. The applicant has submitted a Design Out Crime Assessment, which outlines a number of measures to be incorporated within the scheme to reduce the risk of crime. In particular, the design has been amended to provide for bin storage internally within the building, door openings have been minimised and are indicated to a greater security rating, and roller shutters are proposed to each of the window openings. Details of the measures proposed, including the design for security shuttering, can be secured by planning condition. The site would retain a grassed border which would soften the development when viewed in the streetscene. It is considered that the replacement of the existing petrol station canopy, building and signage presents an opportunity for the improvement of the appearance of this corner site.

The application has been accompanied by a 'Phase 1' environmental risk assessment of the site, considering the potential for ground contamination and pollutants. The findings of the survey are that there is evidence of potential ground contamination, with plausible pathways to potential receptors. As such, further intrusive investigation is recommended. This investigation, and subsequent remediation necessary, would be the subject of planning conditions.

The proposed development would project further to the north than the existing petrol station store, and is closer to the boundary with the adjoining public house. Whilst the projection forward of the Wirral Hundred is approximately 7m, there is good screening vegetation within the adjoining site, the west elevation of the store would be blank, and the Wirral Hundred is set back 5m from the shared boundary. As such it is not considered that the impacts of the development would be overbearing to the occupiers of the Wirral Hundred.

The application was deferred from Planning Committee on 28 September 2010 for a Committee Site Visit and to clarify the findings of the Retail Assessment. The Retail Assessment considers the impact of the proposal on the nearby town centres, including Upton and Prenton, and has been considered by the case officer and Director of Corporate Services (Forward Planning). It is noted that the scheme is small in scale and that there is retail expenditure capacity identified within an identified catchment area that could be taken up on a localised basis. The findings of the retail assessment are considered to be acceptable - the proposal is consistent with the size of the existing parade and the level of detail provided by the assessment is considered appropriate for the amount of floorspace provided. Consequently, no conflict with Planning Policy Statement 4 is found. It is considered a condition is necessary to control the number of shops and floorspace, and to tie the proposal to A1 (shop) uses only to protect the viability and vitality of the nearest town centres or traditional suburban centres.

SEPARATION DISTANCES

In this instance, the proposed development would not be located within 21m of a residential dwelling. There are no windows proposed to the west elevation which is closest to residential properties fronting Helton Close, at a distance of 31m. As such, it is not considered that residential outlook would be affected.

HIGHWAY/TRAFFIC IMPLICATIONS

The planning application is accompanied by a Transport Statement (TS) considering the impacts of the proposal to traffic management, including the provision of car parking. The conclusions of the TS

are that the site is accessible by a range of means of transport, that sufficient parking provision is available to serve the development, and that traffic generation is anticipated to be lower than that from the former use of the site. The findings of the TS are accepted by the Director of Technical Services (Traffic Management) and it is noted that there are well established pedestrian routes to the site with a Puffin crossing on Noctorum Way and a pedestrian refuge to the west of the site. Servicing of the retail units can be accommodated within Townfield Close, whilst parking provision is in line with the Council's adopted maximum standards, set out in Supplementary Planning Document 4. There is generally spare capacity within the adjacent car park on the opposite side of Townfield Close, though it is acknowledged that this may reduce with the implementation of permission APP/2007/6314.

As such it is not considered that there are sustainable highway safety or traffic management reasons to warrant refusal of the application. A planning condition is proposed to ensure that adequate provision is made for cycle parking within the site, in accordance with UDP Policy TR12 and SPG42.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no significant environmental or sustainability issues relating to these proposals.

CONCLUSION

The proposed development is considered acceptable in relation to the criteria of UDP Policies HS15 and SH4, and would present no significant detriment to the amenities of neighbouring properties or detrimental change to the character of the local area.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The development is considered acceptable in relation to the criteria of UDP Policies HS15 and SH4, and would present no significant impact to the amenities of neighbouring properties or detrimental change to the character of the local area.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The retail units hereby permitted shall be closed between the hours of 23.00 and 08.00 Mondays to Fridays, 18.00 and 08.00 on Sundays and Bank Holidays.

Reason: In the interests of residential amenity, having regard to UDP Policy HS15.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Wirral UDP Policy HS15.

4. Notwithstanding the provision of the Town and Country Planning (General Permitted

Development) Order 1995 (or any subsequent re-enactment) there shall be no creation of additional floor space within the building hereby permitted as shown on the approved plan drawing no. D1-02 Rev A. The four retail units shall be constructed in accordance with the approved drawings concurrently with the remainder of the development and shall be retained as such thereafter, as four individual units. Unit 1 shall have a gross floor space of no greater than 81.9m², Unit 2 shall have a gross floor space of no greater than 81.9m², Unit 3 shall have a gross floor space of no greater than 103.2m² and unit 4 shall have a gross floor space of no greater than 130.3 m². For the avoidance of doubt, subdivision of the units to form smaller retail units is not permitted.

Reason: For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres. This enables the local planning authority to consider the implications of other formats as when they may be put forward having regard to Unitary Development Plan Policies and National Planning Policy PPS4.

5. Details of the appearance and operation of the proposed roller shutters shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented in full prior to the first use of the development hereby permitted and retained as such thereafter.

Reason: In the interest of visual amenity and to comply with Wirral UDP Policy SH8.

6. No part of the development hereby permitted shall commence until:

- a) An investigation and assessment methodology, including analysis suite and risk assessment methodologies has been agreed in writing by the Local Planning Authority prior to site investigations;
- b) A site investigation and assessment has been carried out by appropriate qualified and experienced personnel to determine the status of contamination (including chemical/radiochemical/landfill gas/asbestos/physical hazards/other contamination) at the site and submitted to the Local Planning Authority. The investigation and assessment shall be in accordance with current Government and Environment Agency recommendations and guidance and shall identify the nature and concentration of any contaminants present, their potential for migration and risk associated with them;
- c) A statement giving precise details of the nature and extent of any such remediation which shall include an implementation timetable, monitoring proposals and remediation validation methodology has been submitted to and agreed in writing by the Local Planning Authority, and;
- d) The remediation scheme has been agreed by the Local Planning Authority to have been demonstrably and successfully completed.

Reason: To ensure that any contamination of the site is effectively dealt with and to comply with Wirral UDP Policy PO5.

7. Development shall not commence until a scheme for the provision of cycle parking has been submitted to and agreed in writing by the local planning authority. The cycle parking facility shall be erected in accordance with the approved details prior to the occupation of the development hereby approved and retained as such thereafter.

Reason: To promote the use of more sustainable forms of transport, having regard to policy TR12 (Requirements for Cycle Parking) of the Wirral Unitary Development Plan.

8. The development shall be implemented in accordance with the approved drawings, reference: 109-32 D0-01, 109-32 D1-01 Rev A, 109-32 D1-02 Rev A and 109-32 D1-11 Rev B.

Reason: For the avoidance of doubt.

9. Details of any security or floodlighting shall be submitted to and agreed in writing with the Local Planning Authority before any such lighting is brought into use.

Reason: In the interests of amenity and to comply with Wirral UDP Policy HS15.

10. No development shall be commenced until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

11. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in Condition 11. The works shall be carried out prior to the first use of any part of the development.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and having regard to Policy GR5 (Landscaping and New Development) of the Wirral Unitary Development Plan.

12. Before the development hereby permitted is first commenced, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance and avoid overlooking having regard to Policies SH4 and HS15 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 17/06/2010 14:24:49

Expiry Date: 28/06/2010